

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COREY JESSUP,

Plaintiff,
-against-

MEMORANDUM AND ORDER
20-CV-1113 (JS) (AKT)

NASSAU COUNTY CORRECTIONAL
FACILITY: MEDICAL,

Defendants.

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APPEARANCES

For Plaintiff: Corey Jessup, pro se
2019006968
Nassau County Correctional Center
100 Carman Avenue
East Meadow, New York 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On February 24, 2020, incarcerated pro se plaintiff ("Plaintiff") filed a Complaint in this Court pursuant to 42 U.S.C. § 1983 ("Section 1983") against the Nassau County Correctional Center: Medical ("the Jail" or "Defendant"). (Compl., D.E. 1.) However, Plaintiff did not remit the filing fee nor did he file an application to proceed in forma pauperis. Accordingly, by Notice of Deficiency dated March 3, 2020, Plaintiff was instructed to remit the filing fee or complete and return the enclosed application to proceed in forma pauperis together with a Prisoner Litigation Authorization Form ("PLRA"). (D.E. 5.) On March 4, 2020, Plaintiff filed a duplicate copy of the Complaint.

(D.E. 8.) On March 13, 2020, Plaintiff filed an application to proceed in forma pauperis (see IFP Mot., D.E. 6) and the completed PLRA (D.E. 7.)

For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE and with leave to renew upon completion of the AO 239 in forma pauperis application form. Alternatively, Plaintiff may remit the \$400.00 filing fee.

On the in forma pauperis application, Plaintiff reports that he has not received any money from any source within the last twelve (12) months. (See IFP Mot., ¶ 3.) Plaintiff avers that he does not have any cash or money in a checking or savings account and left blank the question that calls for a description of "any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that he owns, including any item of value held in someone else's name." (IFP Mot., ¶ 5.)

Thus, because the incomplete responses provided by Plaintiff on the in forma pauperis application do not permit the Court to conclude that Plaintiff is qualified to proceed in forma pauperis, Plaintiff's application is DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed to this Order. Under the circumstances, Plaintiff can best set forth his current financial position on the long form in forma pauperis application (AO 239). Plaintiff is

directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within thirty (30) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order to Plaintiff together with the AO 239 Long Form Application to Proceed In Forma Pauperis.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: April 21, 2020
Central Islip, New York